

**California Department of Corrections and Rehabilitation
Duty Statement**

Office	Office of Legal Affairs
Unit	Employment Advocacy and Prosecution Team
Classification	Attorney IV
Working Title	Vertical Advocate
Position Number	065-400-5780-XXX
Revised Date	November 17, 2021

SUMMARY:

This position is distinguished from other Attorney positions by the expertise, training, and education required to perform the duties. Under the general direction of the Chief Deputy General Counsel or Assistant Chief Counsel (ACC), Employment Advocacy and Prosecution Team, the Attorney IV, Vertical Advocate effectively performs, with a high degree of independence, the most difficult, complex and sensitive legal work on the team, in particular characterized by assignments applying sound investigative principles to high level investigations involving allegations of misconduct within the Departments of Corrections and Rehabilitation (CDCR). The Vertical Advocate represents the best interests of the CDCR throughout the disciplinary process. The incumbent will be involved in prosecuting administrative cases involving matters of the highest degree of difficulty, but with an expectation of the achievement of consistently favorable results. The essential duties and responsibilities of this position are to effectuate an expert level of technical consistency, correctness, and completeness of legal positions taken within the CDCR's discipline processes, by way of opinions, letters to appellants, prosecution of administrative actions and appeals. Cases handled by the incumbent include those that pose significant risks to the CDCR policy and increase the risk of liability if success is not achieved.

ESSENTIAL DUTIES AND RESPONSIBILITIES INCLUDE, BUT ARE NOT LIMITED TO, THE FOLLOWING (other duties may be assigned):

- 30% Provides representation to CDCR in highly complex, difficult, or sensitive matters throughout the employee discipline process in compliance with the requirements of Department Operations Manual (DOM), Articles 14 and 22; California Code of Regulations, Titles 2 (State Personnel Board [SPB] Regulations) and 15 (CDCR Regulations); California Evidence Code; relevant Government Code sections, SPB precedential decisions; and case law. Duties include, but are not limited to: reviewing assigned case files; correctly calculating and evaluating or re-evaluating the statutes of limitation; advising Hiring Authorities regarding the sufficiency of the investigation, whether evidence is sufficient to sustain allegations of misconduct against employees, and the imposition of a penalty for sustained allegations; coordinating with the Employee Relations Officer throughout the disciplinary process; preparing Notices of Adverse Action; attending Skelly hearings; and representing the CDCR in proceedings before the State Personnel Board.
- 25% Provides legal advice to the Office of Internal Affairs (OIA) during the course of the investigation into employee misconduct in highly complex, difficult or sensitive matters, including, without limitation, advising OIA regarding the statute of limitation, providing recommendations regarding the scope of investigations (including documents gathered, witnesses to interview, and questions to be asked of the witness), attending interviews and providing advice to OIA regarding necessary lines of questioning, advising OIA

**California Department of Corrections and Rehabilitation
Duty Statement**

Office	Office of Legal Affairs
Unit	Employment Advocacy and Prosecution Team
Classification	Attorney IV
Working Title	Vertical Advocate
Position Number	065-400-5780-XXX
Revised Date	November 17, 2021

regarding additional investigative work to be completed, and advising OIA regarding the sufficiency of the investigation.

- 15% Drafts Petitions for Rehearing before the SPB or Petitions for Writ of Administrative Mandamus and represents the CDCR in any subsequent appeals before the SPB or in the Superior Courts or other appellate courts.
- 10% Serves as a resource, and advises the Hiring Authorities (e.g. wardens, health care managers, superintendents, etc.) on the most complex, difficult, and sensitive legal matters relating to employment law including advice regarding the maintenance of the level of technical accuracy and consistency necessary for the state-wide administration of the CDCR disciplinary policy. Reviews and analyzes new legislation relating to employment laws, and provides advice to the CDCR regarding the impact of proposed legislation and regulations on the CDCR's disciplinary process. Reviews and analyzes new legal precedents from the appellate courts and SPB and reports their significance and application to the CDCR attorneys. Serve as a source of information and expertise to the high-level CDCR managers.
- 10% Interfaces and consults with the Office of the Inspector General (OIG), which monitors the CDCR disciplinary processes. Fosters a productive working relationship with OIG staff, and addresses and resolves conflict with the OIG staff with limited assistance from supervisory staff.
- 5% Serves as a resource for Attorney Is and Attorney IIIs regarding strategy issues, including, investigations, advice to Hiring Authorities, and appeals pending before the SPB.
- 5% Attends mandatory meetings, monthly ACC Case Status Meetings, and mandatory trainings.

Supervisor's Statement: I have discussed the duties of the position with the employee.

EMPLOYEE

SUPERVISOR

Print Name		Print Name	
Signature	Date	Signature	Date